

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 9119

Application of:

John C. Goodwin III et al.

Art Unit: 2157

Serial No.: 09/727,291

Examiner: L. Jacobs

Filed: November 29, 2000

For: **METHOD OF LIMITING ACCESS TO
NETWORK SITES FOR A NETWORK KIOSK**

MS Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OCT - 4 2006

APPEAL BRIEF

Sir:

Appellants have filed a timely Notice of Appeal from the action of the Office, dated April 5, 2006, finally rejecting all of the claims in the present application.

(i) REAL PARTY IN INTEREST

The real party in interest is NCR Corporation.

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

(iii) STATUS OF THE CLAIMS

Claims 1-4 are pending in the application.

Claims 1-4 stand rejected under 35 USC 103(a), as being unpatentable over McMillan (5,826,267) in view of Skopp (6,256,739).

Claims 1-4 are appealed.

There are no other claims, e.g., allowed, withdrawn, objected to, or canceled, in the application.

(iv) STATUS OF AMENDMENTS

Appellants did not file a Response subsequent to the Final Rejection.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1-3 relate to a method of limiting access to a web page by an operator of a public-use network kiosk.

As embodied in claim 1, the invention includes

(a) receiving a request from the operator to display the web page by the kiosk, wherein the kiosk allows the operator unlimited access to begin use of the kiosk; (page 1, lines 16-17; page 4, lines 26-29; page 7, lines 10-18; Fig. 2, step 62)

(b) determining an address of the web page; (page 7, lines 19-20; Fig. 2, step 64)

(c) determining a current time of day; (page 8, lines 15-18; Fig. 2, step 74)

(d) from a schedule, determining an unacceptable period of the day associated with the address during which all access to the web page by all users is prohibited; (page 8, lines 18-24; Fig. 2, step 72) and

(e) preventing access to the web page if the current time falls within the unacceptable period determined from the schedule. (page 8, lines 18-24; Fig. 2, step 74)

As embodied in claim 2, the invention further includes

wherein step d comprises the substep of:

(d-1) determining a current date; (page 8, lines 3-5; Fig. 2, step 70) and

(d-2) from the schedule, determining that the day is the current date. (page 8, lines 6-7; Fig. 2, steps 68-70)

As embodied in claim 3, the invention includes

receiving a request from the operator to display the web page by the kiosk, wherein the kiosk allows the operator unlimited access to begin use of the kiosk; (page 1, lines 16-17; page 4, lines 26-29; page 7, lines 10-18; Fig. 2, step 62)

determining an address of the web page; (page 7, lines 19-20; Fig. 2, step 64)

comparing the address to a list of addresses; (page 7, lines 19-20; Fig. 2, step 64)

if the address is in the list of addresses, (page 7, lines 21-23; Fig. 2, step 66)

determining a current time of day and a current date; (page 8, lines 3-5, 15-18; Fig. 2, steps 70, 74)

from a schedule, determining an unacceptable date and an unacceptable time period associated with the address during which all access to the web page by all users is prohibited; (page 8, lines 8-12, 18-24; Fig. 2, steps 68, 72) and

preventing all access to the web page if the current date is the unacceptable date and the current time of day falls within the unacceptable time period determined from the schedule (page 8, lines 8-12, 18-24; Fig. 2, steps 70, 74).

Claim 4 relates to a public-use network kiosk.

As embodied in claim 4, the invention includes

a display for displaying web pages; (page 3, line 16)

an input device for selecting the web pages (page 3, line 16); and

a computer (page 3, line 16) which allows an operator unlimited access to begin use of the kiosk, (page 1, lines 16-17; page 4, lines 26-29) which receives a request from the operator to display a first web page from the input device, (page 7, lines 10-18; Fig. 2, step 62) determines an address of the first web page, (page 7, lines 19-20; Fig. 2, step 64) determines a current time of day, (page 8, lines 15-18) determines from a schedule an unacceptable period of the day associated with the address during which all access to the first web page by all users is prohibited, (page 8, lines 18-24) and prevents access to the first web page if the current time falls within the unacceptable period determined from the schedule. (page 8, lines 18-24)

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-4 are unpatentable under 35 USC 103(a) over McMillan (5,826,267) in view of Skopp (6,256,739).

(vii) ARGUMENT

McMillan (5,826,267) discloses a client computer, such as a public web information kiosk, that implements URL filtering of user requests for information. The client

computer compares a requested URL associated with a server with a list of approved URLs previously stored in the computer. If the requested URL is on the list, then the client computer retrieves information at the requested URL from the server and displays the information. If the requested URL is not on the list, the client computer denies the request and prompts the user to reenter a request for information. See Column 4, lines 1-13. The client computer may additionally display secondary information associated with the requested information, based upon the location of the client computer. See Column 4, lines 45-51.

Skopp (6,256,739) discloses a method of restricting access to a communications network by a user that is logged in to the network based upon the identity of the user. The method may restrict the user's access based upon, the specific advertising the user is viewing, the amount of time or duration a user can stay at any one site or group of sites, or the number of times or the frequency that a user may connect to a given site.

To establish a *prima facie* case of obviousness, the Office has the burden of factually supporting at least the following three criteria (MPEP Section 2142):

- (1) the prior art reference (or references when combined) must teach or suggest all the claim limitations;
- (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; and
- (3) there must be a reasonable expectation of success found in the references.

THE REJECTION OF CLAIMS 1-4 UNDER 35 U.S.C. §103(a) IS
IMPROPER BECAUSE THE REFERENCES FAIL TO TEACH EACH AND EVERY
ELEMENT OF APPELLANTS' CLAIMS.

The access restrictions taught by Skopp are different
than the access restrictions claimed by Appellants.

With respect to Independent Claim 1, the references
fail to disclose

...

(c) determining a current time of day;

(d) from a schedule, determining an unacceptable period
of the day associated with the address during which all
access to the web page by all users is prohibited; and

(e) preventing access to the web page if the current
time falls within the unacceptable period determined from
the schedule.

McMillan restricts access based upon the chosen URL.
Skopp restricts access based upon the identity of the user,
the specific advertising, the amount of time or duration a
user can stay at any one site or group of sites, or the
number of times or the frequency that a user may connect to
a given site, but does not prevent access if a current time
falls within an unacceptable period determined from a
schedule.

With respect to dependent Claim 2, the references fail
to disclose

(d-1) determining a current date; and

(d-2) from the schedule, determining that the day is
the current date.

Skopp fails to prevent access if a current time of a current day falls within an unacceptable period on the current day as determined from a schedule.

With respect to Independent Claim 3, the references fail to disclose

...

if the address is in the list of addresses,
determining a current time of day and a current date;

from a schedule, determining an unacceptable date and an unacceptable time period associated with the address during which all access to the web page by all users is prohibited; and

preventing all access to the web page if the current date is the unacceptable date and the current time of day falls within the unacceptable time period determined from the schedule.

McMillan restricts access based upon the chosen URL. Skopp restricts access based upon the identity of the user, the specific advertising, the amount of time or duration a user can stay at any one site or group of sites, or the number of times or the frequency that a user may connect to a given site, but does not prevent access if a current time on a current date falls within an unacceptable period determined from a schedule.

With respect to Independent Claim 4, the references fail to disclose

a computer which ... determines a current time of day, determines from a schedule an unacceptable period of the day associated with the address during which all access to the

first web page by all users is prohibited, and prevents access to the first web page if the current time falls within the unacceptable period determined from the schedule.

McMillan restricts access based upon the chosen URL. Skopp restricts access based upon the identity of the user, the specific advertising, the amount of time or duration a user can stay at any one site or group of sites, or the number of times or the frequency that a user may connect to a given site, but does not prevent access if a current time on a current date falls within an unacceptable period determined from a schedule.

THE REJECTION OF CLAIMS 1-4 UNDER 35 U.S.C. §103(a) IS IMPROPER BECAUSE THE OFFICE HAS FAILED TO PROVIDE A PROPER SUGGESTION OR MOTIVATION TO COMBINE THE REFERENCES.

The Office has provided no teaching or motivation from within the references that would motivate one skilled in the art to apply access restrictions based upon user identity as taught by Skopp to a public web information kiosk as taught by McMillan.

There is no teaching or suggestion in Skopp to apply access restrictions based upon time or time and date to a public web information kiosk as taught by McMillan.

THE REJECTION OF CLAIMS 1-4 UNDER 35 U.S.C. §103(a) IS IMPROPER BECAUSE THE OFFICE HAS FAILED TO PROVIDE A REASONABLE EXPECTATION OF SUCCESS.

"The expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow*

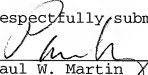
Chemical Co. 837 F.2d 469 5 S.P.Q.2D (BNA) 1529 (Fed. Cir. 1988). The Office has failed to provide a citation from within the references that provide a reasonable expectation of success for the combination of the references. The references do not show or suggest preventing access if a current time or a current time on a current date falls within an unacceptable period determined from a schedule. Further, since the access restrictions of Skopp require a user login, there can be no reasonable expectation that the access restriction techniques of Skopp would be successful when combined with the public web information kiosk of McMillan.

CONCLUSION

Appellants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness and that the rejection of claims 1-4 is improper.

Appellants further submit that claims 1-4 are allowable and respectfully request that the rejection of claims 1-4 by the Office be reversed by the Board.

Respectfully submitted,



Paul W. Martin
Attorney for Appellants
Reg. No. 34870
(937) 445-2990

Dayton, Ohio

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(viii) CLAIMS APPENDIX

1. A method of limiting access to a web page by an operator of a public-use network kiosk comprising the steps of:

- (a) receiving a request from the operator to display the web page by the kiosk, wherein the kiosk allows the operator unlimited access to begin use of the kiosk;
- (b) determining an address of the web page;
- (c) determining a current time of day;
- (d) from a schedule, determining an unacceptable period of the day associated with the address during which all access to the web page by all users is prohibited; and
- (e) preventing access to the web page if the current time falls within the unacceptable period determined from the schedule.

2. The method as recited in claim 1, wherein step d comprises the substep of:

- (d-1) determining a current date; and
- (d-2) from the schedule, determining that the day is the current date.

3. A method of limiting access to a web page by an operator of a public-use network kiosk comprising the steps of:

- receiving a request from the operator to display the web page by the kiosk, wherein the kiosk allows the operator unlimited access to begin use of the kiosk;
- determining an address of the web page;
- comparing the address to a list of addresses;
- if the address is in the list of addresses,

determining a current time of day and a current date;

from a schedule, determining an unacceptable date and an unacceptable time period associated with the address during which all access to the web page by all users is prohibited; and

preventing all access to the web page if the current date is the unacceptable date and the current time of day falls within the unacceptable time period determined from the schedule.

4. A public-use network kiosk comprising:

a display for displaying web pages;

an input device for selecting the web pages; and

a computer which allows an operator unlimited access to begin use of the kiosk, which receives a request from the operator to display a first web page from the input device, determines an address of the first web page, determines a current time of day, determines from a schedule an unacceptable period of the day associated with the address during which all access to the first web page by all users is prohibited, and prevents access to the first web page if the current time falls within the unacceptable period determined from the schedule.

(ix) EVIDENCE APPENDIX

No evidence pursuant to §§1.130, 1.131, or 1.132 or any other evidence has been entered by the Examiner or relied upon by Appellants.

(x) RELATED PROCEEDINGS APPENDIX

There are no related decisions rendered by a court or the Board or copies of such decisions.